

REMARKS/ARGUMENTS

In this response, no claims are being amended, added, or canceled. Thus, claims 1-16 remain pending in the application, with claim 9 being withdrawn from consideration. Rejoinder of claim 9 is respectfully requested in view of its dependence on claim 1, which is allowable for reasons given below. Reconsideration and allowance of this application is respectfully requested in view of the remarks below.

Claim Rejections - § 102

The Office Action rejected claims 1-5 and 11-16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,100,538 (Ogawa). Applicants respectfully traverse this rejection.

Applicants wish to begin by thanking Examiner Nguyen for including in the Office Action a more detailed explanation of how Ogawa is believed to disclose certain aspects of the invention as presently claimed. The more detailed explanation, including the description of cases (i), (ii), and (iii), allows Applicants to understand the Examiner's reasoning much better so that they can assess the rejection more effectively.

For convenience and clarity, Applicants summarize key aspects of the Examiner's interpretation of Ogawa as follows:

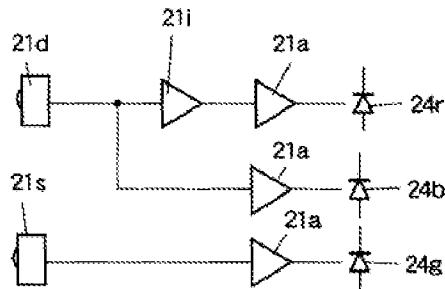
- (a) the stylus of FIGS. 18 & 19 is used with the light sensitive user input device of FIG. 17;
- (b) the stylus of FIGS. 18 & 19 is configured to emit light as follows:
 - case (i): only **green** light is emitted when tip portion 22 is NOT in contact with an input surface and switch 21s is "ON";
 - case (ii): combined/mixed **red** and **blue** light is emitted when tip portion 22 sufficiently contacts the input surface and switch 21s is "OFF"; and
 - case (iii): combined/mixed **red**, **blue**, and **green** light is emitted when tip portion 22 sufficiently contacts the input surface and switch 21s is "ON";

- (c) when the user operates the stylus from case (i) to case (ii), the emitted green-only light beam abruptly changes to a combined/mixed red and blue light beam;
- (d) the Examiner agrees with Applicants that although Ogawa does discuss light from the red and blue LEDs being associated with the stylus tip contacting the input surface, there is no abrupt change from one to the other.

Applicants respectfully submit that in the above-summarized interpretation of Ogawa, the Examiner inadvertently misconstrues at least two key aspects of Ogawa. When these key aspects are properly understood, it will be apparent to the Examiner that Ogawa cannot anticipate the rejected claims because it does not teach all the elements thereof.

One misconstrued aspect is set forth in “case (i)” of item (b) above. There, the Examiner interprets Ogawa as teaching that the stylus of FIGS. 18 & 19 emits “only green light” when the tip portion 22 is not in contact with the input surface and the switch 21s is “ON”. This is incorrect. Although Applicants agree that, in this case (i), Ogawa’s tip portion 22 emits green light (because switch 21s is “ON” in this scenario), Applicants disagree that the tip portion emits *only* green light. In fact, the tip portion will emit not only green but also red light in this case. This can be seen by inspection of the circuit of FIG. 19 (reproduced below) together with Ogawa’s description of its circuit elements: pressure detector (21d); inverting amplifier (21i); LED driving amplifiers (21a); red, blue, and green LEDs (24r, 24b, 24g); and switch (21s). See e.g. col. 14, lines 37-44.

FIG.19



In this circuit, the presence of the inverting amplifier 21i ensures that at least one of the red LED (24r) and the blue LED (24b) will be emitting light at any given time. For example, when the output of pressure detector 21d is at a minimum, such as occurs when the tip portion 22 is not in contact with the input surface, the “middle” driving amplifier 21a (the one connected to the blue LED) drives the output of blue LED 24b to a minimum level, but the “upper” driving amplifier 21a (the one connected to the red LED) drives the output of the red LED 24r to a *maximum* level due to the operation of the inverting amplifier 21i. This behavior is confirmed by Ogawa’s description of the operation of the circuit at the bottom of column 14:

“As is evident from FIG. 19, as the writing pressure detected by the writing pressure detector 21d increases, the light-emitting quantity of the blue LED 24b increases. Conversely, as the writing pressure detected by the writing pressure detector 21d decreases, a light-emitting quantity of the red LED 24r increases.”

(column 14, lines 59-64)

The limiting case of decreased writing pressure is, of course, zero writing pressure, i.e., where the tip portion 22 is not in contact with the input surface at all, which is one of the stipulations of the Examiner’s “case (i)”. In this limiting case both inspection of the circuit of FIG. 19 and a review of Ogawa’s above-quoted description thereof compels a conclusion that the red LED provides maximum light output in case (i).

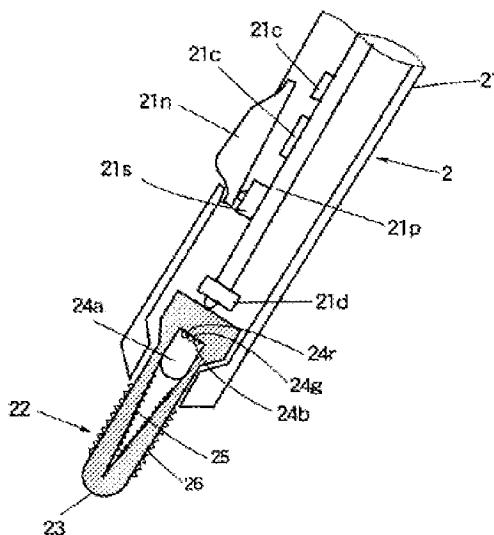
In summary, in the “case (i)” of item (b) above, Ogawa’s stylus emits both green light and red light, not “only green light” as stated in the Office Action.

This brings us to the second key aspect of Ogawa that the Examiner has inadvertently misconstrued, namely, item (c) above, in which the Examiner contends that when the user operates the stylus from case (i) to case (ii), the emitted green-only light beam abruptly changes to a combined/mixed red and blue light beam. This too is incorrect. The relevant operating assumptions of the Examiner’s “case (i)” and “case (ii)” are as follows:

	<u>switch 21s</u>	<u>position of stylus tip portion 22</u>
case (i):	ON	NOT in contact with input surface
case (ii):	OFF	sufficiently contacts input surface

As we explained above, in case (i) the stylus emits not “green-only light”, but a combination of green and red light. Then, as the stylus tip portion 22 is brought into contact with the input surface (operating the stylus from case (i) to case (ii)), red light from the red LED begins to decrease from its maximum level and blue light from the blue LED begins to increase from its minimum level, but there is ***no abrupt change*** from red to blue or *vice versa* as explained by Applicants in their prior response and as acknowledged by the Examiner in item (d) above. The only other light component, i.e., green light, is ON in case (i) and OFF in case (ii) in accordance with the status of switch 21s, but this switch 21s is activated not when the tip portion 22 sufficiently contacts the input surface, but rather when the user chooses to press the manually-operated “side knob 21n”. See FIG. 18 of Ogawa:

FIG.18



Thus, in operating the stylus from case (i) to case (ii), there is no abrupt change in the light beam property that occurs “when the tip of the stylus sufficiently contacts the input surface” as recited in claim 1.

Having now addressed the Examiner’s inadvertent misreading of Ogawa, we now analyze the rejections of claims 1-5 and 11-16 under 35 U.S.C. §102(b). Claim 1 recites, *inter alia*, “the light beam having a property that abruptly changes when the tip of the stylus sufficiently contacts the input surface”. The Examiner appears to assert that Ogawa teaches this in connection with cases (i) and (ii) as set forth in the Office Action. But as explained above, there is no abrupt change from red light (case (i)) to a mix of red and blue light (case

(ii)), and the change in green light from ON in case (i) to “OFF” in case (ii) occurs when the user chooses to press the manually-operated side knob, not “when the tip of the stylus sufficiently contacts the input surface” as specified in claim 1. Therefore, Ogawa has not been shown to teach at least this feature of claim 1. Failing to teach every element of the claim, Ogawa cannot anticipate claim 1 or its dependent claims. The rejection of claims 1-5 and 11-16 under 35 U.S.C. § 102 cannot be sustained, and should be withdrawn.

Claim Rejections - § 103

The Office Action rejected claims 6-8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Ogawa. The Office Action asserted that the various features of these dependent claims were well-known and expected in the art.

In response, Applicants submit that these rejections are moot in view of the deficiencies of Ogawa pointed out above. Ogawa has not been shown to teach the claim 1 feature of “the light beam having a property that abruptly changes when the tip of the stylus sufficiently contacts the input surface”, which feature is incorporated directly or indirectly into each of the rejected claims 6-8 and 10 by dependency. For this reason alone, the rejection of claims 6-8 and 10 under 35 U.S.C. §103(a) cannot be sustained and should be withdrawn.

To the extent Applicants have not responded to any characterization by the Examiner of the asserted art or of Applicants’ claimed subject matter, or to any application by the Examiner of the asserted art to any claimed subject matter, Applicants wish to make clear for the record that any such lack of response should not be interpreted as an acquiescence to such characterizations or applications. A detailed discussion of each of the Examiner’s characterizations, or any other assertions or statements beyond that provided above is unnecessary. Applicants reserve the right to address in detail any such assertions or statements in future prosecution.

CONCLUSION

For the foregoing reasons, the present application is submitted to be in condition for allowance, the early indication of which is earnestly solicited. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: January 28, 2009

By: /Stephen C. Jensen/

Stephen C. Jensen
Reg. No. 35,207